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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,628	12/05/2003	Christopher J. Kralles	85918DAN	9084

7590 03/17/2008
Mark G. Bocchetti
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EXAMINER

SHAH, MANISH S

ART UNIT	PAPER NUMBER
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2853

MAIL DATE	DELIVERY MODE
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03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/728,628	Applicant(s) KRALLES ET AL.	
	Examiner Manish S. Shah	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reopened Prosecution

In view of the Appeal Brief filed on 10/18/2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 12 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (# US 5,764,263) in view of Kimura et al. (# US 2004/0189742).

With respect to claim 1, 12 & 22, Lin discloses an apparatus, back printing assembly and a method of providing information on a backside of photographic media comprising:

- Inserting photographic media into a photographic printer (Column 9: line 61-67).
- Printing an image onto a front side of the photographic media (figure:1, 2; element 12, 14, 22).
- Back printing information onto a backside of the media by positioning a print head in a printing position and directing ink from the print head onto a backside of the media print head is adapted to provide at least alphanumeric information on the backside of said media (Column 7: line 49-65, Figure: 2: element 28, 29).

However, Lin fails to teach the movable ink jet print head which is movable between at least a printing position to a priming, position where the print head is pressurized to force a stream of ink through discharge jets of the print head.

Kimura teaches the movable ink jet print head which is movable between at least a printing position to a priming position where the print head is pressurized to force a stream of ink through discharge jets of the print head (figure: 3A-3D, see Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the print head to the priming position as taught by Kimura. The motivation of doing so is to prevent the foreign particle contained in the ink.

2. Claims 2-3, 6-11, 13-21, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (# US 5,764,263) in view of Kimura et al. (# US 2004/0189742) as applied to claims 1, 12 & 22 above, and further in view of in view of Ishiguro (# JP 09001827).

Lin and Kimura et al. discloses an apparatus and a method of providing information on a backside of photographic media except that an enclosure, wiper pad, ink tray, absorbent material, rotating/pivoting device.

Ishiguro teaches:

- The movable ink jet print head, which is movable between at least printing positions a priming position where the print head is pressurized to force a stream of ink through discharge jets of the print head. An enclosure (figure: 1; element 8) having an opening positioned so as to face the discharge jets of said print head when said print head is in said priming position, said enclosure being adapted to catch the stream of ink that is forced through the discharge jets of the print head.

- A wiper pad (Figure: 1; element 7) is positioned at an end of a wall of said enclosure, said wiper pad being adapted to wipe a discharge jet end of said print head (4) when said print head moves from said priming position to said printing position so as to remove excess ink from said print head (figure: 8).

- Wiper pad is formed from a material which has little or no loose fibers (figure: 1)

- Print head (1) is provided on a rotary moving device (2) which is adapted to rotate the print head between said printing position and said priming position/print head is mounted on a pivoting device which is adapted to pivot said print head between said printing position and said priming position.

- Rotary moving device has a center of rotation (element 2) which causes the print head to translate away from media (3) as soon as rotary motion of said print head is initiated and pivoting device is adapted to cause the print head to translate away from the media as soon as a pivoting motion of said print head is initiated (fig.1)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide teach the movable ink jet print head which is movable between at least a printing position a priming position as taught by Ishiguro. The motivation of doing so is to reduce the size of ink jet printer.

3. Claims 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (# US 5,764,263) and Kimura et al. (# US 2004/0189742) in view of Ishiguro (# JP 09001827) as applied to claims 2-3, 6-11, 13-21, 23-24 above, and further in view of Watanabe (# EP 435276).

The combination of Lin and Ishiguro fails to teach a removable ink tray, wherein said print head and said enclosure are mounted on said ink tray and said ink tray is movable between a non-operative position located partially outside of said printing apparatus and an operative position located within said printing apparatus an absorbent is provided on a surface of said ink tray and within said enclosure.

Watanabe teaches: a removable ink tray, wherein said print head and said enclosure are mounted on said ink tray and said ink tray is movable between a non-operative position located partially outside of said printing apparatus and an operative position located within said printing apparatus (element 10, Abstract) and an absorbent material (fig.4: element 102) is provided on a surface of said ink tray and within said enclosure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made as modify to provide a movable ink tray as taught by Watanabe et al. The motivation of doing so is to easily replaceable without the liability of introducing of the foreign matter or without the necessity for the high accuracy positioning, by which the stabilized and ensured recording operations are maintained with a simple structure and at a low cost.

Response to Arguments

4. Applicant's arguments filed 09/25/2007 have been fully considered but they are not persuasive. Applicant argued that Kimura does not teach pressurizing a print head

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to force ink through. Kimura discloses pressurizing pressure control tank 6 to force ink through in pressure control tank to the head and out from the nozzle. The pressure is not directly applied to the head. However, applicant just claiming that " the printhead is pressurize to force a stream of ink..", nothing in the claim recites that the pressure must applied directly to the print head. To overcome the present rejection applicant must claim that pressurize the printhead directly without having intermediate stuff.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Manish S. Shah/
Primary Examiner
Art Unit 2853

/MSS/
03/06/08

/Stephen Meier/
Supervisory Patent Examiner, Art Unit 2853